

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX  
DIGITAL GROUP LLC; DAVID  
SCHAEFER; JORDAN GREEN;  
JEFFREY CONWAY; AND JAMES  
MAY,

Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF EDWARD KAISER IN  
SUPPORT OF PLAINTIFF'S MOTION TO  
DISMISS PHOENIX DIGITAL GROUP,  
LLC'S AND JAMES MAY'S  
COUNTERCLAIMS WITH PREJUDICE

I, Edward Kaiser, declare as follows:

1. I am an Engineering Lead for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. The document attached as Exhibit B to Defendants' Counterclaims, Bates numbered Bungie\_WDWA\_0000409, is a copy of an excel spreadsheet that shows a ban history of accounts linked to Defendant James May. This history shows metadata (including file paths) of processes that May connected to the *Destiny 2* process, such as tools for reverse engineering. These metadata were obtained because the tools attempted to inject code into or modify the *Destiny 2* process while it was running.

KAISER DECL. ISO PLAINTIFF'S MOT.  
TO DISMISS  
(No. 2:21-cv-811-TSZ) – 1

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Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 3. Attached hereto as **Exhibit 1** is a true and correct copy of Bungie's January 1, 2020  
2 Privacy Policy that was in effect until April 16, 2020.

3  
4 I declare under penalty of perjury under the laws of the United States that the foregoing is  
5 true and correct.

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7 Executed this 6th day of October, 2022.

8   
9 Edward Kaiser

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KAISER DECL. ISO PLAINTIFF'S MOT.  
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